

**3986. Misbranding of "Rogers' Consumptive Cure and Cough Lozenges" and "Rogers' Inhalant." U. S. v. The M. J. Rogers Medical Co., a corporation. Plea of nolo contendere. Fine, \$15. (F. & D. No. 6143. I. S. Nos. 1409-e, 8082-e.)**

On March 12, 1915, the United States attorney for the District of Maine, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the M. J. Rogers Medical Co., a corporation, Lewiston, Me., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, on or about March 12, 1913, from the State of Maine into the State of Massachusetts, of quantities of "Rogers' Consumptive Cure and Cough Lozenges," and "Rogers' Inhalant," which were misbranded.

The consumptive cure and cough lozenges were labeled: (On wrapper) "Rogers' Consumptive Cure and Cough Lozenges. Are good for Lung Troubles of all kinds, such as Irritation, Congestion, and Bleeding of the Lungs, Bronchitis, Asthma, Irritation of the Throat, Hoarseness, and Pressure of Breath. For Coughs, new and of long standing, they are unsurpassed. For Whooping Cough they are a ready relief. Public Speakers and Singers will find these very beneficial to take before speaking or singing. Price 25 cents. (Trade Mark—portrait of a man)." (On sides) "Directions: Dissolve slowly in the mouth with the lips closed, one lozenge after each meal, and one on retiring; but in acute and extreme cases, use one every hour, but not enough to nauseate. For Children, one-half a lozenge as above. M. J. Rogers Medical Co., Lewiston, Maine. Box 1142. New size and style of box, adopted October 2, 1893. No. 7609 Guaranteed under the Food and Drugs Act, June 30, 1906. Rogers' Inhalant Is the Greatest Discovery of Modern Medical Science, for the positive cure of Catarrh, Asthma, Hay Fever, Rose Cold, Cold in the Head, Influenza, Headache, Pneumonia, Bronchitis, Diphtheria, Hoarseness, Loss of Voice, Bleeding of the Lungs, Pleurisy, and all diseases leading to Consumption. Price of Inhalant, with Inhaler \$1.00. Sold by all Druggists, or will be sent to any address, express paid, on receipt of price. M. J. Rogers Medical Co., Lewiston, Me."

The circular or pamphlet accompanying this product contained, among other things, the following: "Rogers' Consumptive Cure and Cough Lozenges. A Specific Remedy for Colds, Coughs, Congestion, Catarrh, Asthma, Influenza, Pneumonia, Hoarseness, Croup, Whooping Cough, Loss of Voice, Pressure of Breath, Bronchitis, Bleeding of the Lungs, and all Pulmonary and Bronchial Complaints Leading to Consumption. \* \* \* They can be confidently relied upon as an *infallible cure* for all pulmonary troubles of every description. They have never been known to fail in any case of cough of however long standing. For hemorrhage of the lungs, so often pronounced incurable by eminent physicians, they have never been unsuccessful, and they are warranted to effect entire and permanent cures in every case curable at all—where they may be tried."

Analysis of a sample of this product by the Bureau of Chemistry of this department showed the following results:

Average weight of 1 lozenge (grams).....	1.40
Ash (per cent).....	0.06
Sucrose (per cent).....	95.6
Gum tragacanth (approximately) (per cent).....	2.8
Volatile oil (probably rosemary): Tracc.	
Total volatile matter at 100° C. (per cent).....	0.4
Alkaloids: Absent.	
Ammonium chlorid: Absent.	
Tartar emetic: Absent.	

Sample consists of sugar lozenges containing a small amount of gum and a trace of oil of rosemary.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, "Rogers' Consumptive Cure and Cough Lozenges. Are good for Lung Troubles of all kinds, such as \* \* \* Congestion and Bleeding of the Lungs, Bronchitis, Asthma, \* \* \* For Whooping Cough they are a ready relief. \* \* \* ", were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a cure for consumption and effective as a remedy for lung troubles of all kinds, such as congestion and bleeding of the lungs, bronchitis, and asthma, and effective for the ready relief of whooping cough, when, in truth and in fact, said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective, among other things, as a cure for consumption or effective as a remedy for lung troubles of all kinds, such as congestion, bleeding of the lungs, bronchitis and asthma or effective for the relief of whooping cough.

Misbranding was alleged for the further reason that the following statements regarding the therapeutic or curative effects thereof included in the circular or pamphlet aforesaid, to wit, "Rogers' Consumptive Cure and Cough Lozenges. A Specific Remedy for \* \* \* Catarrh \* \* \* Influenza, Pneumonia \* \* \* Croup, Whooping Cough \* \* \* and all Pulmonary and Bronchial Complaints Leading to Consumption." "They can be confidently relied upon as an *infallible cure* for all pulmonary troubles of every description. \* \* \* For hemorrhage of the lungs, so often pronounced incurable by eminent physicians, they have never been unsuccessful, and they are warranted to effect entire and permanent cures in every case curable at all \* \* \* ", were false and fraudulent in that by means of the said circular or pamphlet they were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchaser thereof and create in the minds of purchaser thereof the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a specific remedy for catarrh, influenza, pneumonia, croup, whooping cough and all pulmonary and bronchial complaints leading to consumption, and effective as an infallible cure for all pulmonary troubles of every description, and effective for the entire and permanent cure in every case of hemorrhage of the lungs capable of being cured, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain ingredients or medicinal agents effective, among other things, as a specific remedy for catarrh, influenza, pneumonia, croup, whooping cough or all pulmonary and bronchial complaints leading to consumption, or effective as a cure for all pulmonary troubles of every description or effective for the cure in any case of hemorrhage of the lungs.

The inhalent was labeled: (On carton) "Rogers' Inhalent An Inhaling Preparation (Trade Mark) Which is a Specific Remedy in all cases of Catarrh, Asthma, Hay Fever, Rose Cold, Cold in the Head, Pneumonia, Bronchitis, Diphtheria, Hoarseness, Loss of Voice, Bleeding of the Lungs, and all Pulmonary Throat and Bronchial Complaints leading to Consumption. In all cases the use of Rogers' Consumption Cure and Cough Lozenges in connection with the inhalent is advisable. Price of Inhalant with Inhaler \$1. Price of Lozenges, 25c per Box. The Original manufactured only by the Proprietors, M. J. Rogers Med. Co. Lewiston, Me. Registered July 24th, 1888." (On back of carton) "Rogers' Inhalant is the most effective remedy known for all diseases of the Throat, Chest, Lungs and Nasal Organs." (On sides of carton) "Cures Catarrh, Hay Fever. Cures Pneumonia, Asthma." (On top flap) "No. 7609 Guaranteed under

the Food and Drugs Act, June 30, 1906. Contains 65% Alcohol, that quantity being necessary to dissolve the Oils and Balsams for Inhalation." (On bottle front) "Rogers' Inhalant an Inhaling Preparation Which is a specific Remedy in all cases of Catarrh, Asthma, Hay Fever, Rose Cold, Cold in the Head, Pneumonia, Bronchitis, Diphtheria, Hoarseness, Loss of Voice, Bleeding of the Lungs, and all Pulmonary, Throat and Bronchial Complaints leading to Consumption. In all cases the use of Rogers' Consumptive Cure and Cough Lozenges in connection with the Inhalant is advisable. Directions for using Inhaler—see label on the other side. The original manufactured only by the proprietors, M. J. Rogers & Co., Lewiston, Me. Registered July 24, 1888." (On back) "Directions for Using Inhaler Charge it with a few drops from the Preparation Bottle, and it is ready for use. Remove both corks from the inhaler, and place the larger orifice to the mouth, inhaling deep inspirations of the vapor to carry it to the lungs. For Catarrh and diseases of the Nasal Passages, use the smaller orifice, drawing the vapor up to the nostrils. Replace the corks when not in use. Carry in the pocket and use freely four or five times a day. Keep sponge well moistened. Keep Inhalant in a cool place. If the inhaler gets lost or broken, or an extra one is wanted, send ten cents, and we will send duplicate." (On sides) "As a Gargle for sore throat, diphtheria, inflamed or enlarged tonsils, and all disorders of the throat it is a specific remedy. Directions: Add one teaspoonful to a half glass of water, use small quantity every half hour until relieved. It has Accidentally been discovered that Rogers' Inhaling Preparation is a Marvelous Remedy for Rheumatism and Neuralgia, when used as an outward application. Bathe freely and rub briskly 3 to 5 minutes."

Analysis of a sample of this product by said Bureau of Chemistry showed the following results:

Alcohol (per cent by volume).....	68.4
Total oils (cc per 100 cc).....	30.0
Phenol-free oils (cc per 100 cc).....	21.9
Methyl alcohol: Absent.	
Ash: None.	
Alkaloids: Absent.	
Chloroform: Absent.	
Methyl salicylate: Absent.	
Oil of rosemary and possibly thyme: Present.	
Sample is an alcoholic solution of volatile oil, chiefly rosemary.	

Misbranding of the article was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof, appearing on the label aforesaid, to wit, (On carton) "Rogers' Inhalant \* \* \* Which is a Specific Remedy in all cases of Catarrh, Asthma, Hay Fever \* \* \* Pneumonia, Bronchitis, Diphtheria \* \* \* Bleeding of the Lungs, and all Pulmonary Throat and Bronchial Complaints leading to Consumption \* \* \* Rogers' Inhalant is the most effective remedy known for all diseases of the Throat, Chest, Lungs and Nasal Organs \* \* \* Cures Catarrh, Hay Fever. Cures Pneumonia, Asthma." (On bottle) "Rogers' Inhalant \* \* \* Which is a Specific Remedy in all cases of Catarrh, Asthma, Hay Fever \* \* \* Pneumonia, Bronchitis, Diphtheria \* \* \* Bleeding of the Lungs and all Pulmonary, Throat and Bronchial Complaints leading to consumption \* \* \* As a Gargle for \* \* \* Diphtheria \* \* \* and all disorders of the throat it is a specific remedy \* \* \* It has Accidentally been discovered that Rogers' Inhaling Preparation is a Marvelous Remedy for Rheumatism," were false and fraudulent in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof, and create in the minds of purchasers thereof,

the impression and belief that it was, in whole or in part, composed of, or contained, ingredients or medicinal agents effective, among other things, as a specific remedy in all cases of catarrh, asthma, hay fever, pneumonia, bronchitis, diphtheria, bleeding of the lungs, and all pulmonary throat and bronchial complaints leading to consumption, and effective as a remedy for all diseases of the throat, chest, lungs, and nasal organs, and effective as a cure for catarrh, hay fever, pneumonia, and asthma, and effective as a marvelous remedy for rheumatism, when, in truth and in fact, said article was not, in whole or in part, composed of, and did not contain, ingredients or medicinal agents effective, among other things, as a specific remedy for catarrh, asthma, hay fever, pneumonia, bronchitis, diphtheria, bleeding of the lungs, or all pulmonary, throat, and bronchial complaints which lead to consumption, or effective as a remedy for all diseases of the throat, chest, lungs, and nasal organs, or effective for the cure of catarrh, hay fever, pneumonia, asthma, or effective as a remedy for rheumatism.

On March 27, 1915, the defendant company entered a plea of nolo contendere to the information, and the court imposed a fine of \$15.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 19, 1915.*